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TYCO ENGINEERED PRODUCTS & SERVICES ATTN: INTELLECTUAL PROPERTY LAW DEPARTMENT 9 ROSZEL ROAD PRINCETON, NJ 08540			COLLINS, GIOVANNA M	
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GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/965,983
Filing Date: September 28, 2001
Appellant(s): RADZIK, JOSEPH G.

David W. Laub
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 10, 2006 appealing from the Office action mailed October 26, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6302450	Dole	10/2001
4230157	Larsen et al.	10/1980
5642907	Dole	7/1997
5540465	Sisk	7/1996
5070597	Holt et al.	12/1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 5-6, 10, 16, and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's Prior Art disclosure.

Claims 2-4, 7-9, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's disclosure as applied to claims 1,5 and 16 above, and further in view of Holt et al. ('597).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157) and the Applicant's Prior Art Disclosure, as applied to claim 10 above, and further in view of Sisk ('465).

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157), the Applicant's Prior Art Disclosure and Sisk ('465) as applied to claims 11 above, and further in view of Dole ('907).

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dole et al. ('450) in view of Larsen et al. ('157), the Applicant's Prior Art Disclosure and Sisk ('465), as applied to claim 11 above, and further in view of Holt ('597).

(10) Response to Argument

The applicant argues the Larsen reference does not teach or suggest to modify the gasket disclosed by Dole '450. The Dole '450 reference discloses a lubricated gasket (see fig. 5, at 32 and col. 5, lines 16-20) that is used with a collar (fig. 5, at 12) on a ferrous piping system. Larsen teaches several lubricants are suitable for lubricating a gasket.

A suitable lubricant 9 is provided between the sealing ring 3 and the bottom of the depression 1, said lubricant ensuring that the lip material may more easily be displaced and distributed under the stiffening body 5 towards the mouth of the pipe end portion. The lubricant may, however, be applied between the stiffening body 5 and the outer lip portion 6, as shown by 9' in FIG. 1. The lubricant may be of many different types, such as talcum powder, graphite, molybdenum sulphide. Other lubricants may be used, such as wax with low surface friction, such as polyfluorinated waxes and polyethylene wax. The same is true of lubricants such as silicone grease and cup grease as well as other substances such as silicone oil.

(taken from col. 6, lines 7-21 of Larsen '157)

The Larsen reference teaches that talcum powder is an art recognized equivalent lubricant for grease lubricant. Furthermore, it is well known to one of ordinary skill in the art that talcum powder, in addition to being a lubricant, has the ability to absorb

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moisture, which has the added benefit of helping to prevent moisture from building between the seal and the surface being sealed. The applicant also argues the Larsen reference does not teach that a lubricant can be applied on an inner circumferential portion of a seal. However, the applicant in the specification says it is well known to lubricate the inner circumferential surface of a gasket before installing in order to prevent damaging the seal during installation (see Specification, page 6, lines 15-20). It would seem obvious that if it is known one of ordinary skill would use one type of lubricant on the inner circumference of a seal in order to prevent damaging the seal, that one of ordinary skill in the art when using a different lubricant would apply that lubricant to the same area so that the seal would not be damaged during installation. The applicant also argues the Larsen reference does not teach that a powder coating a dry lubricant can be applied. However, as stated above the Larsen reference teaches that a talcum powder is a lubricant (col. 6, lines 7-21). Talcum powder will inherently apply a powder coating to whatever it is applied to. Therefore, the talcum powder will provide a powder coating of a dry lubricant when applied to a seal. The applicant argues the Dolt '450 and Larsen references do not teach a powder coating with a collar and elastomeric member. As stated above, Dole discloses a collar (see fig. 5, at 12) that is used with a lubricated elastomeric member (see fig. 5, at 32 and col. 5, lines 16-20). Larsen teaches that talcum powder can be used as a lubricant for (col. 6, lines 7-21) for an elastomeric member (sealing ring 4 is made of rubber, see col. 5, lines 27-32). The talcum powder which when applied will inherently have a powder coating. Therefore, because talcum powder is a recognized equivalent for grease lubricant, talcum powder

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can absorb moisture which will prevent moisture from building up between a seal and a pipe and it well known in the art to apply a lubricant to the inner circumference of a seal to help prevent damaging the seal during installation, it would be obvious to one of ordinary skill in the art to modify the seal disclosed by Dole to have a dry powder lubricant, such as talcum powder, on the inner circumference surface of a seal in view of the teachings of Larsen and the Applicant's prior art disclosure.

The applicant argues the Holt reference fails to teach powder coating on the inner circumferential surface of the gasket. However, as stated above, Larsen teaches that a dry powder lubricant (talcum powder) which when applied will inherently have a powder coating can be used to lubricate a seal or gasket and the Applicant's prior art teaches that it is well known in the art to apply a lubricant to the inner circumferential surface of a seal or gasket to prevent damage during installation.

The applicant argues the Sisk reference fails to teach powder coating on the inner circumferential surface of the gasket. However, as stated above, Larsen teaches that a dry powder lubricant (talcum powder) which when applied will inherently have a powder coating can be used to lubricate a seal or gasket and the Applicant's prior art teaches that it is well known in the art to apply a lubricant to the inner circumferential surface of a seal or gasket to prevent damage during installation.

The applicant argues the Dole '907 reference fails to teach powder coating on the inner circumferential surface of the gasket. However, as stated above, Larsen teaches that a dry powder lubricant (talcum powder) which when applied will inherently have a powder coating can be used to lubricate a seal or gasket and the Applicant's

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prior art teaches that it is well known in the art to apply a lubricant to the inner circumferential surface of a seal or gasket to prevent damage during installation.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Giovanna M. Collins

Conferees:

Jennifer Gay 

Meredith Petravick 



Jennifer H. Gay
Primary Examiner